

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES RASO, TRUSTEE  
of the MASSACHUSETTS BRICKLAYERS  
AND MASONS HEALTH AND WELFARE,  
PENSION AND ANNUITY FUNDS,

Plaintiff,

C. A. No. 03cv12535 RCL

V.

STONEWORKS BY RAND  
Defendants.

**PLAINTIFF FUND’S INITIAL DISCLOSURE STATEMENT**  
**PURSUANT TO F.R.C.P. 26(A)(1)**

Pursuant to Federal rules of Civil Procedure 26 (a)(1) and Local Rule 26.2 (A), Plaintiff makes the following initial disclosures:

- A) Trustee Charles Raso 550 Medford Street, Charlestown, Massachusetts 02129, (617) 242-5500, has information relative to the obligation of defendant Stoneworks By Rand (“Stoneworks”) to make contributions to the Plaintiff Trust Funds.

Cindy Whitford, 645 Morrissey Boulevard, Boston, MA 02122-3569, (617) 436-5500, Auditor for the Funds, has information with regard to the calculation of the amounts owed by defendants including the calculation of the interest and liquidated damages.

- B) The relevant documents are follows:

Collective Bargaining Agreement effective August 1, 1998 to July 31, 2002

Collective Bargaining Agreement effective August 1, 2002 to July 31, 2007.

Independent Agreement between Stoneworks and the Bricklayers and Allied Craftmen  
Local Union No. 3 Eastern Massachusetts dated November 6, 2001.

Various Remittance Reports and checks from November 30, 2001 to February 3, 2004.

Payroll information sent to Fund by Rand Stoneworks on October 27, 2003

### Payroll information for Rand Stoneworks

Check No. 1301 in the amount of \$2,000 sent to the Funds by Stoneworks By Rand

Letter dated July 29, 2002 sent to the Funds by Stoneworks By Rand

Letter dated July 9, 2002 from the Funds to Stoneworks By Rand concerning settlement agreement

Settlement Agreement between the Funds and Stoneworks By Rand for the Gloucester Sidewalks – Paving job

Check No. 1296 in the amount of \$2,000 sent to the Funds by Stoneworks By Rand for the settlement agreement

Audit results for Gloucester, MA job

Audit demand letter dated March 22, 2002

Document entitled “Note to File” for 10/23/03 and 10/27/03

C) A computation of benefit contributions, interest and liquidated damages through February 14, 2004 is \$752,960.96 \$534,962.42. An itemization of this total is attached. Attorneys fees and costs to date total \$1,439.74.

D) Plaintiff is unaware of any insurance agreement relevant to this matter.

Plaintiff reserves the right to amend this statement.

Dated: March 24, 2004

Respectfully submitted,

Catherine M. Campbell  
BBO# 549397  
Feinberg, Campbell & Zack, PC  
177 Milk Street  
Boston, MA 02109

/s/ Catherine M. Campbell  
Attorney for Plaintiff, Charles Raso

Certificate of Service

I, Catherine M. Campbell, attorney for the plaintiff, hereby certifies that on this day I hand delivered a copy of the within documents by U.S. Mail to Daniel J. Blake and Heather C. Krauss, Epstein Becker & Green, P.C., 111 Huntington Avenue, 26<sup>th</sup> Floor, Boston, MA 02199.

Dated: March 24, 2004

/s/ Catherine M. Campbell  
Catherine M. Campbell